

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
UNITED STATES,

MEMORANDUM & ORDER
15-CR-078 (NGG)

-against-

WILLIAM TUCKER,

Defendant.

NICHOLAS G. GARAUFIS, United States District Judge.

On November 10, 2022, Defendant William Tucker made a motion for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, asking this court to recommend to the Bureau of Prisons (BOP) that petitioner's sentence run concurrently with his previously-served state court sentence, *nunc pro tunc*. (Def. Mot (Dkt. 18).) On November 11, 2022, the government filed a letter with the court noting no objection to the Defendant's request and adding that the request comports with the government's understanding of the federal and state sentencing courts' intent for Tucker's total sentence. (Gov't Letter (Dkt.19) at 1.)

The court agrees with Defendant Tucker and the government. At time of sentencing on April 8, 2016, this court's intent was for Defendant Tucker to serve a total sentence of 120 months' imprisonment. (See Judgment (Dkt. 8).) Shortly thereafter, Queens County Supreme Court Judge Dorothy Chin-Brandt sentenced Defendant Tucker to eight years in state custody, to be served concurrently with this court's already-imposed federal sentence. (See Exh. D to Def. Mot. Transcript from N.Y. Sup. Ct., Queens Cty., Part W-50 S.C.I. No. 2095-2015 (Dkt. 18-6).)

For this reason, Defendant Tucker's application is GRANTED. The court respectfully requests that the BOP credit Defendant's time served in New York State custody against the 120-month

federal sentence previously imposed by this court, and thus allow the two sentences to run concurrently, *nunc pro tunc*.

SO ORDERED.

Dated: Brooklyn, New York
November 14, 2022

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFI
United States District Judge